

|  |  |   |                              |
|--|--|---|------------------------------|
| NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF<br>PATENT APPEALS AND INTERFERENCES |  | Attorney Docket No.:<br>JHU1400-1   |                              |
|  |  | In re Application of:<br>Harry C. Dietz                                   |                              |
|  |  | Application No:<br>09/163,289   | Filed:<br>September 29, 1998 |
|  |  | For: DELIVERY CONSTRUCT FOR ANTISENSE<br>NUCLEIC ACIDS AND METHODS OF USE |                              |
|  |  | Group Art Unit: 1635  | Examiner: J. Schultz         |
|  |  |   |                              |

Applicants hereby appeal to the Board of Appeals from the decision dated December 24, 2003 of the Examiner rejecting claims 1-13.

|    |          |                                |                 |
|----|----------|--------------------------------|-----------------|
| 1. | <b>X</b> | Appeal Fee (37 C.F.R. 1.17(b)) |                 |
|    |          | other than small entity        |                 |
|    | <b>X</b> | small entity                   | <b>\$165.00</b> |

|    |                                   |   |  |          |   |          |  |            |
|----|-----------------------------------|---|--|----------|---|----------|--|------------|
| 2. | X                                 | A petition and fee for an extension of time for reply to the rejection is attached. |  |          |   |          |  |            |
| X  | Extension Fee (37 C.F.R. 1.17(a)) |   |  |          |   |          |  |            |
|    | Other than small entity           |   |  |          |   |          |  |            |
|    |                                   | \$110.00  |  | \$420.00 |   | \$950.00 |  | \$1,480.00 |
| X  | Small entity                      |   |  |          |   |          |  |            |
|    |                                   | \$55.00   |  | \$210.00 | X | \$475.00 |  | \$740.00   |

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165.00 OP

Applicants:

Harry C. Ditez

PATENT

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|----|---|---|
| 3. | X | Enclosed is a check in the amount of \$640.00 (\$165.00; to file the Notice of Appeal and \$475.00 or the Three (3) Month Extension of Time fee). The Commissioner may charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355. |
|----|---|---|

June 24, 2004

Date



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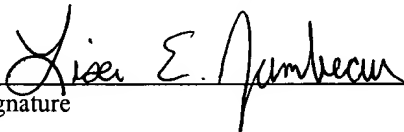
San Diego, California 92121-2133

**CERTIFICATION UNDER 37 CFR 1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, **June 24, 2004**, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Lisa E. Jambeau

(Name of person mailing paper)



Signature

June 24, 2004

Date